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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA
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8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 vs.

11 RAYMOND EARL RIFFUS,
12 KENNETH ANDREW PALMER

13 Defendant.

Case No. 2:08-cr-00225-LDG-GWF

ORDER

Motion for Production of Grand
Jury Transcripts (#27)

14 This matter comes before the Court on Defendant Kenneth Palmer's Motion for Production
15 of Grand Jury Transcripts (#27), filed on January 27, 2012. On January 20, 2009, the Court granted
16 the Government's Motion to Dismiss the Indictment against Defendant Palmer. (*See* #26.) Over
17 two years later, Defendant Palmer filed this motion, requesting the Court order the production of
18 the grand jury transcripts pursuant to Fed. R. Civ. P. 6(e)(3)(E)(I). Defendant requests the
19 production of these transcripts for use as potential impeachment evidence during the Defendant's
20 state court trial set for February 2-14, 2012.

21 Notably, the Defendant filed this motion less than a week before the state court trial was
22 scheduled. The Government has not filed an opposition to this motion and the time for opposition
23 has now expired. The Court however will deny Defendant's request as moot. Defendant claims
24 that he needs these documents for preparation and use during his state court trial that was scheduled
25 to occur February 2-14, 2012. At this time, the Defendant's request is therefore moot. If the state
26 court trial was rescheduled or Defendant otherwise wants the grand jury transcripts, Defendant may
27 bring another motion before the Court explaining such. Accordingly,

28 ...

1 **IT IS HEREBY ORDERED** that Defendant Kenneth Palmer's Motion for Production of
2 Grand Jury Transcripts (#27) is **denied** without prejudice.

3 DATED this 22nd day of February, 2012.

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6 GEORGE FOLEY, JR.
7 United States Magistrate Judge
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